



Republic of the Philippines  
**Department of Environment and Natural Resources**  
MIMAROPA Region  
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE  
Bgy. Sta. Monica, Puerto Princesa City, Palawan  
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RECEIVED  
JUN 13 2022  
JUN 13 2022  
NO. \_\_\_\_\_  
OUTGOING  
DATE NO. \_\_\_\_\_

June 13, 2022

**MEMORANDUM**

**FOR :** The Regional Executive Director  
DENR MIMAROPA Region  
1515 L & S Bldg., Roxas, Blvd., Ermita, Manila

**FROM :** The Provincial Environment and  
Natural Resources Officer


**SUBJECT :** **CONSOLIDATED REPORT ON A 4-DAY LECTURES AND  
WORKSHOPS PROGRAM RE: ENFORCEMENT OF  
ENVIRONMENTAL LAWS, CONDUCTED IN CENROS OF  
PUERTO PRINCESA, BROOKES POINT, QUEZON, TAYTAY  
AND CORON, PALAWAN**

Respectfully forwarded are the two (2) separate reports of Atty. Jazmin D. Altea from PENRO Legal Office dated May 16, 2022 and June 3, 2022 respectively relative the above subject (*the detailed consolidated reports hereto attached*).

Based on the first report, the legal team conducted lectures on enforcement of environmental laws using interactive lectures and workshops that includes of evidence gathering, hands-on drafting of Application of Search Warrant and other required legal documents. During the lecture, the team discussed the three-core topics such as Evidence Gathering, Legal Procedures and Legal Forms in the CENROs of Puerto Princesa (May 4-5, 2022), Brooke's Point (May 12-13, 2022), and Quezon (May 12-13, 2022).

The same approaches were undertaken in CENROs of Roxas on May 16 to 17, 2022, Taytay on May 16-17, 2022 and Coron was held on May 23 to 24, 2022.

For information and record.

  
**FELIZARDO B. CAYATOC**

Copy Furnished:  
File/2022-017ACG/MES Doc. Ref. No. 2022-4169 and 2022-5000

**DENR PENRO  
PALAWAN RECORDS  
RELEASED**

BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
JUN 15 2022



May 16, 2022


**MEMORANDUM**

**FOR : FELIZARDO B. CAYATOC**  
Provincial Environment and  
Natural Resources Officer

**FROM : ATTY. JAZMIN D. ALTEA**  
Attorney III (Assigned Head, PENRO Legal Unit)

**SUBJECT : CONSOLIDATED REPORT ON A 2-DAY LECTURE AND  
WORKSHOP PROGRAM RE: ENFORCEMENT OF  
ENVIRONMENTAL LAWS, CONDUCTED IN CENRO  
-PUERTO PRINCESA, CENRO-BROOKE'S POINT AND  
CENRO-QUEZON, PALAWAN.**

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**

BY:   
DATE: 05.17.2022 22:4169

Respectfully forwarded is the Consolidated Report on the two (2) day lecture and workshop program conducted by the PENRO Legal Unit on the following CENROs:

CENRO Puerto Princesa City - May 4-5, 2022

CENRO Brooke's Point - May 12-13, 2022

CENRO Quezon - May 12-13, 2022

As of this date, the PENRO Legal were able to cover half of its target and is still on-going. We are set to cover the other half of the target on the following dates:

CENRO Roxas - May 16-17, 2022

CENRO Taytay - May 16-17, 2022

CENRO Coron - May 23-24, 2022

For your information and reference.

  
**ATTY. JAZMIN D. ALTEA**





May 16, 2022

**MEMORANDUM**

**FOR** : The Provincial Environment and Natural Resources Officer  
PENRO, Palawan

**THRU** : Atty. Jazmin D. Altea  
Attorney III (*Assigned Head*)

**FROM** : The Legal Researchers

**SUBJECT** : **CONSOLIDATED REPORT ON A 2-DAY LECTURE AND WORKSHOP PROGRAM RE: ENFORCEMENT OF ENVIRONMENTAL LAWS, CONDUCTED IN CENRO-PUERTO PRINCESA, CENRO-BROOKE'S POINT AND CENRO-QUEZON, PALAWAN.**

The PENRO Legal Unit noticed that some of the criminal cases filed by DENR-CENROs of Palawan were being dismissed at the Prosecutor level due to insufficiency of evidence or lack of probable cause. In order to address this issue, the PENRO Legal Unit with the assistance and full support of the Provincial Environment and Natural Resources Office (PENRO), conceptualized and designed a 2-day Lecture and Workshop Program which focuses on the three-core topics, namely: 1) Evidence Gathering; 2) Legal Procedures; and 3) Legal Forms.

The Program is divided into two parts, the Interactive Lecture, wherein participants may raise questions and share their experiences simultaneously with the discussion on the different topics; and, the Workshop, which consists of evidence gathering and hands-on drafting of Application for Search Warrant, and other pertinent legal documents.

Relevant DENR Administrative Orders like DAO 97-32, DAO 2018-18, and DAO 2022-05, were also tackled during the program.

As of this date, the PENRO Legal were able to cover half of its target CENROs, the CENRO-Puerto Princesa, CENRO-Brooke's Point and CENRO-Quezon. On the third and fourth week of this month of May, the PENRO Legal is set to conduct the program in CENRO-Roxas, CENRO-Taytay and CENRO-Coron.

During the lecture part of the program, the PENRO Legal noted some notable questions from the participants, which are as follows:

**CENRO-PUERTO PRINCESA (MAY 4-5, 2022):**

1. How are they going to prove the value of seized illegal lumbers in Court if the said lumbers belong to a banned species and the only basis for its valuation is the Black-Market Price?
2. Whether they can seize the illegal lumbers inside of a fenced compound situated in a timberland if it is in plain view.
3. Whether they can open the compartment of a vehicle passing in their checkpoint on the ground of a reliable tip/report.

As to the first query, the team informed them that in the absence of any DAOs or Price Index Monitoring for banned species of lumbers, their best evidence to support their valuation will still be the Recapitulation, even if it is based on the black-market price. Although the reliance in such valuation is weak and may be deemed as hearsay as the lumbers belong to a banned species and that no established guidelines to support the same, the recapitulation will still be admissible, unless questioned by the opposing party.

With respect to the second query, we qualify. If there is a probable cause and that they have a sufficient time to obtain a search warrant, they shall document the incident, take videos and pictures and draft affidavits to support their application for search warrant. This is to avoid any technicalities and possible counter-case for Violation of Domicile against them. However, if time is of the essence, they can effect the seizure of illegal lumbers so long as they established the requirements set forth under the plain view doctrine. Nevertheless, we strongly advise them to always apply for search warrant if the circumstances allow them to do so.

In the third query, we advise them that a tip or report is deemed to be a hearsay as held by the Supreme Court in several cases. It is not sufficient to constitute probable cause in the absence of any other circumstance that will arouse suspicion. Thus, they cannot open the compartment by relying alone on a mere tip or report that they have received. However, they can still conduct a visual search but not an extensive search on a vehicle passing-by in their checkpoints.

**CENRO-BROOKE'S POINT (MAY 12-13, 2022):**

1. Can they demolish shanty/shacks/nipa huts built by kaingeros and is situated in a timberland area?
2. What are their remedies if they cannot haul the illegal lumbers due to the remoteness of the apprehension area from their Office nor bring it in the custody of the nearest Barangay unit?
3. What if they did not catch the offender in the act of committing an environmental offense? What may be their recourse to strengthen their case?

On their first question, the team reiterated the Legal Opinion of Atty. Gandhi Gagni-Flores, stating therein that the DENR cannot issue a demolition order to



summarily abate and remove illegal structures absent a court order. The only instance that the DENR may summarily order said demolition is when the structures are built within a protected area and in cases of emergency.

As to the second question, we informed them that if the hauling of illegal lumbers is not feasible and practicable, they may convert the object evidence (illegal lumbers) into documentary evidence. This is done through proper marking, inventory, and photodocumentation. Further, the failure to haul the illegal lumbers must be based only on justifiable reasons. On the other hand, we emphasized to them the importance of hauling the illegal lumbers, since it is the corpus delicti. It is the best evidence to prove the existence of environmental offenses committed by the offender.

As to the third question, we told them that they should conduct further investigation until they have sufficient evidence to establish the identity and guilt of the offender. Although they may lack direct evidence against the offender, they may still resort to circumstantial evidence which tends to establish, by inference, a fact in issue.

#### **CENRO-QUEZON (MAY 12-13, 2022):**

1. Does the DENR-CENRO have authority to inspect areas considered as Protected Area but is under a valid Mineral Production Sharing Agreement (MPSA)?
2. Can DENR-CENRO apprehend individuals who are caught with possession of wildboar but such possession was by virtue of the livelihood project between the LGU and the Department of Agriculture?

As to the first query, the team informed them that it is the DENR Mines and Geosciences Bureau (MGB) which is vested with the authority to inspect and monitor areas under a valid MPSA. It is the Bureau who has the authority to oversee large-scale mining activities and operation despite it being under a protected area. However, we informed them that the DENR-CENRO can coordinate with the DENR-MGB to inspect the areas covered by a valid MPSA but still within the protected area.

As to the second query, the team informed them that they can apprehend individuals who are caught in possession of wildboar. Under the Wildlife Act, the mere possession of a wildlife is already a violation of the law. The source is immaterial because the law punishes mere possession of wildlife.

On the Workshop part of the program, the PENRO Legal prepared fill-in-the-blanks Application for Search Warrant, Motion for Two Alternative Recording Device, Conduct of Orderly Search, and drafted Sworn Statements and Return of Search Warrant.

We grouped the participants and gave them a scenario wherein they are going to draft the above-mentioned legal documents in order to secure a search warrant from the court. During the activity, we observed the teamwork of the participants and their detailed and critical examination of the case.

When we evaluate their activity, majority of the participants got an exemplary mark as they already knew what statements, facts, and circumstances to be included in their legal documents. The confusion begins as to the legal procedures on the application for search warrant. Thus, to fully understand the said legal procedures, the PENRO Legal extensively discussed this process. All in all, the PENRO Legal is impressed with the dedication of the participants to learn the legal process of search warrant.

The PENRO Legal also prepared simulation/roleplaying activities on the marking of evidence and photodocumentation. However, these activities have not been conducted in CENRO-Puerto and CENRO Brooke's Point due to time constraints. Instead, the topics were discussed to the participants. Only the team assigned to CENRO-Quezon was able to conduct said activities.


On a final note, the participants requested the PENRO Legal to make legal forms, particularly, Sworn Statements, Complaint-Affidavit, and the like, that will serve as their guide and sample in drafting legal documents.

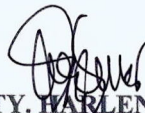
#### **RECOMMENDATION:**

It is recommended that:

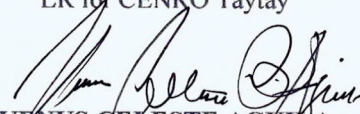
1. Subsequent evaluation be conducted to determine whether the attendees have properly applied in actual practice the topics covered by this training/workshop.
2. Regular follow-up refresher training/workshop focused mainly on legal procedures and legal forms.

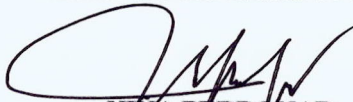
For your information.

  
**ATTY. HAZIEL PASCUA**  
LR for CENRO Taytay

  
**ATTY. HARLENE HEMOR**  
LR for CENRO Brooke's Point

  
**JOY ALCANTARA-TANAY**  
LR for CENRO Puerto Princesa

  
**VENUS CELESTE AGUILA**  
LR for CENRO Quezon

  
**NINA BERDONAR**  
LR for PENRO

  
**RYAN OLIVER CAYATOC**  
LR for CENRO Roxas

  
**NERRIE MARGRETT PRECIOUS REDONDO**  
LR for CENRO Coron



## PROGRAM FLOW

### DAY 1

**Morning**

*Note: The discussion will be simultaneous with question and answer in order to promote interactive learning.*

**I. Discussions on the following Environmental Violations and related Rules and Regulations:**

**1. Violations concerning Trees and Other Forest Products**

- a. Revised Forestry Code, as amended
  - i. Cutting, gathering and collecting timber or forest products without license (Sec. 77 of PD 705, as amended);
  - ii. Unauthorized possession of timber or forest products (Sec. 77 of PD 705, as amended).
- b. Wildlife Act
  - i. Logging in critical habitats (Sec. 27 (c)(v) of RA 9417);
  - ii. Collecting, hunting or possessing wildlife, their by-products and derivatives (Sec. 27 (f) of RA 9417);
  - iii. Gathering or destroying of active nests, nest trees, host plants and the like (Sec. 27 (g) of RA 9417);
  - iv. Transporting of wildlife (Sec. 27 (i) of RA 9417).
- c. Expanded National Integrated Protected Areas System (E-NIPAS) Act
  - i. Cutting, gathering and collecting timber or forest products within the protected area including private lands therein (Sec. 18 (c) of RA 11038);
  - ii. Possessing or transporting outside the protected area any timber, forest products, wildlife, or by-products derived therefrom (Sec. 18 (d) of RA 11038);
  - iii. Engaging in 'kaingin' or, any manner, causing forest fires inside the protected area (Sec. 18 (i) of RA 11038).

**2. Violations concerning Unlawful and Illegal Occupation on Government Lands**

- a. Revised Forestry Code, as amended
  - i. Unlawful Occupation or Destruction of Forest Lands and Grazing Lands (Sec. 78 of PD 705, as amended)
- b. Philippine Fisheries Code
  - i. Conversion of Mangroves (Sec. 94, RA 8550)
- c. Wildlife Act
  - i. Squatting or otherwise occupying any portion of the critical habitat (Sec. 27 (c)(ii) of RA 9417)
- d. Water Code
  - i. Building structures in easement areas (Sec. 51 of PD 1067)
- e. Expanded National Integrated Protected Areas System Act
  - i. Occupying or dwelling in any public land within the protected area without clearance from the PAMB (Sec. 18 (n) of RA 11038);
  - ii. Constructing, erecting, or maintaining any kind of structure, fence or enclosure, conducting any business enterprise within the protected area without prior clearance from the PAMB and permit from the DENR, or conducting these activities in a

	<p>manner that is inconsistent with the management plan duly approved by the PAMB (Sec. 18 (o) of RA 11038);</p> <ul style="list-style-type: none"> <li>iii. Purchasing or selling, mortgaging or leasing lands or other portions of the protected area which are covered by any tenurial instrument (Sec. 18 (u) of RA 11038);</li> <li>iv. Constructing any permanent structure within the forty (40)-meter easement from the high water mark of any natural body of water or issuing a permit for such construction pursuant to Article 51 of Presidential Decree No. 1067: Provided, That construction for common usage wharves and shoreline protection shall be permitted by the PAMB only after thorough EIA (Sec. 18 (v) of RA 11038).</li> </ul> <ul style="list-style-type: none"> <li>3. Mining and Quarrying <ul style="list-style-type: none"> <li>a. Philippine Mining Act <ul style="list-style-type: none"> <li>i. Theft of minerals (Sec. 103 of RA 7942);</li> <li>ii. Transporting minerals without proper delivery receipt</li> </ul> </li> </ul> </li> <li>4. Miscellaneous Laws, Rules and Regulations <ul style="list-style-type: none"> <li>a. Solid Waste Management Act</li> <li>b. Plea Bargaining under New</li> <li>c. Strategic Lawsuit Against Public Participation</li> </ul> </li> </ul>
<b>Afternoon</b>	<p>II. Legal Procedures to be Observed during Apprehension</p> <ul style="list-style-type: none"> <li>1. With Search Warrant <ul style="list-style-type: none"> <li>i. Application for Search Warrants;</li> <li>ii. Motion for Two (2) Alternative Devices;</li> <li>iii. Service of Search Warrant</li> <li>iv. Conduct of Orderly Search;</li> <li>v. Return of Search Warrant.</li> </ul> </li> <li>2. Without Search Warrant <ul style="list-style-type: none"> <li>i. Procedure in Conducting Warrantless Search</li> </ul> </li> <li>3. Evidence Gathering</li> </ul> <p>III. Workshop</p> <ul style="list-style-type: none"> <li>1. Drafting of Sinumpaang Salaysay, Complaint, and other legal documents;</li> <li>2. Preparation of Annexes/Pieces of Evidence.</li> </ul> <p>IV. Evaluation and Assessment</p> <ul style="list-style-type: none"> <li>1. Evaluation of the Complaint with Annexes and Assessment of Witnesses</li> </ul>
<b>DAY 2</b>	
<b>Morning - Afternoon</b>	<ul style="list-style-type: none"> <li>V. Continuation of Workshop</li> <li>VI. Open Forum</li> <li>VII. Inventory of Cases</li> </ul>



TARGET DATE	TEAM COMPOSITION
May 4 – 5, 2022	<b>CENRO Puerto Princesa</b> Team Leader: Joy Alcantara Members: Twinkle Redondo Niña Berdonar Ryan Cayatoc Venus Aguila
South Palawan	
May 12 – 13, 2022	<b>CENRO Brooke's Point</b> Team Leader: Harlene Hemor Members: Niña Berdonar Ryan Cayatoc Joy Alcantara  <b>CENRO Quezon</b> Team Leader: Venus Aguila Members: Twinkle Redondo Haziell Pascua
North Palawan	
May 16 – 17, 2022	<b>CENRO Roxas</b> Team Leader: Ryan Oliver Cayatoc Members: Venus Aguila Harlene Hemor Joy Alcantara  <b>CENRO Taytay</b> Team Leader: Haziell Pascua Members: Niña Berdonar Twinkle Redondo
May 18 – 20, 2022	<b>CENRO Coron</b> Team Leader: Twinkle Redondo Members: Niña Berdonar Haziell Pascua

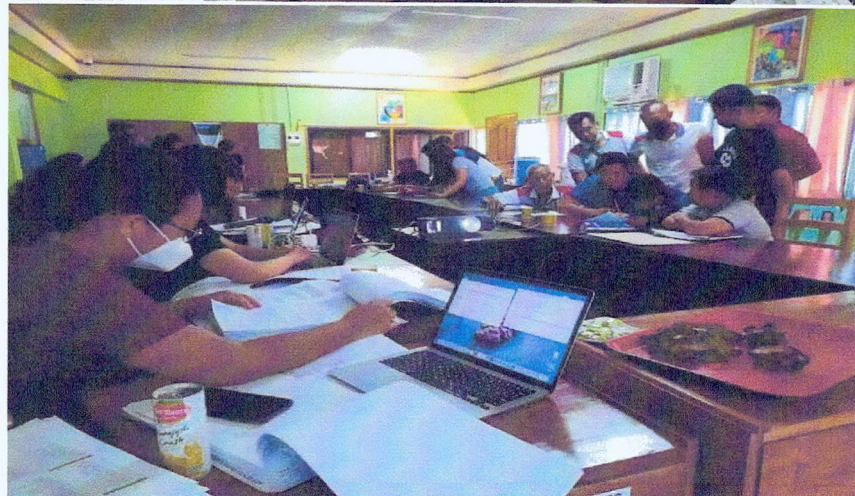
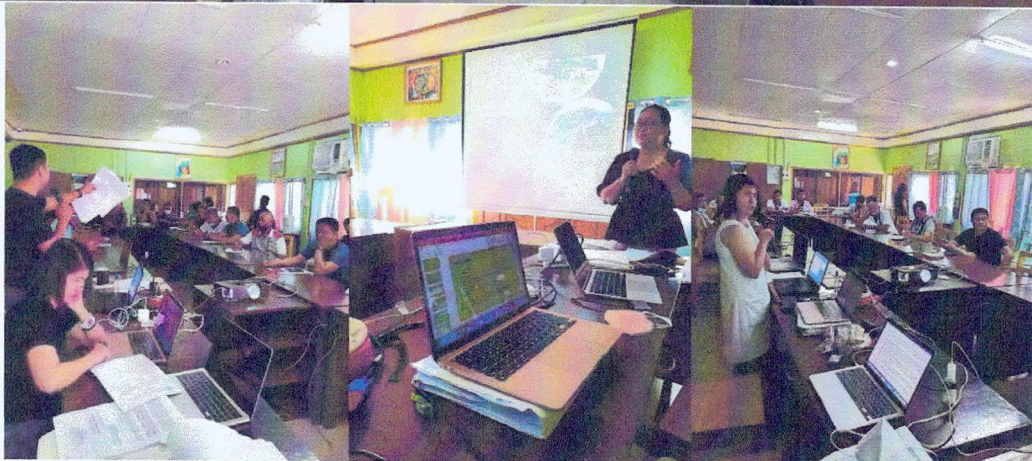


**CENRO-PUERTO PRINCESA (MAY 4-5, 2022)  
CONDUCTED AT PENRO FUNCTION HALL**





**CENRO-BROOKE'S POINT (MAY12-13, 2022)**  
**CONDUCTED AT CENRO BROOKE'S POINT FUNCTION HALL**





**CENRO-QUEZON (MAY 12-13, 2022)  
CONDUCTED AT PAY LOUIE, QUEZON, PALAWAN**








Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA Region**  
**PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Province of Palawan

June 03, 2022

**MEMORANDUM**

**FOR : FELIZARDO B. CAYATOC**  
Provincial Environment and Natural Resources Officer  
PENRO, Palawan

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**

BY:   
DATE: 06-08-2022 22-500

**FROM : Atty. Jazmin D. Altea**  
Attorney III (*Assigned Head*)

**SUBJECT : CONSOLIDATED REPORT ON A 2-DAY LECTURE AND  
WORKSHOP PROGRAM RE: ENFORCEMENT OF  
ENVIRONMENTAL LAWS, CONDUCTED IN CENRO-  
ROXAS, CENRO-TAYTAY, AND CENRO-CORON,  
PALAWAN.**

Respectfully forwarded is the Consolidated Report on the two (2) day lecture and workshop program conducted by the PENRO Legal Unit on the following CENROs:

CENRO-Roxas on May 16 to 17, 2022  
CENRO-Taytay on May 16 to 17, 2022  
CENRO-Coron on May 23 to 24, 2022

As of this date, The PENRO Legal were able to cover all the CENROs.

For your information and reference.

  
ATTY. JAZMIN D. ALTEA



June 3, 2022

**MEMORANDUM**

**FOR** : The Provincial Environment and Natural Resources Officer  
PENRO, Palawan

**THRU** : Atty. Jazmin D. Altea  
Attorney III (*Assigned Head*)

**FROM** : The Legal Researchers

**SUBJECT** : **CONSOLIDATED REPORT ON A 2-DAY LECTURE AND WORKSHOP PROGRAM RE: ENFORCEMENT OF ENVIRONMENTAL LAWS, CONDUCTED IN CENRO-ROXAS, CENRO-TAYTAY, AND CENRO-CORON, PALAWAN.**

The PENRO Legal Unit noticed that some of the criminal cases filed by DENR-CENROs of Palawan were being dismissed at the Prosecutor level due to insufficiency of evidence or lack of probable cause. In order to address this issue, the PENRO Legal Unit with the assistance and full support of the Provincial Environment and Natural Resources Office (PENRO), conceptualized and designed a 2-day Lecture and Workshop Program which focuses on the three-core topics, namely: 1) Evidence Gathering; 2) Legal Procedures; and 3) Legal Forms.

The Program is divided into two parts, the Interactive Lecture, wherein participants may raise questions and share their experiences simultaneously with the discussion on the different topics; and, the Workshop, which consists of evidence gathering and hands-on drafting of Application for Search Warrant, and other pertinent legal documents.

Relevant DENR Administrative Orders like DAO 97-32, DAO 2018-18, and DAO 2022-05, were also tackled during the program.

As of this date, the PENRO Legal was able to conduct the training/workshop to all CENROs, to wit (including the travel dates):

1. CENRO-Puerto Princesa on May 4 & 5, 2022;
2. CENRO-Brooke's Point on May 11 to 13, 2022;
3. CENRO-Quezon on May 11 to 13, 2022;
4. CENRO-Roxas on May 16 to 18, 2022 ;
5. CENRO-Taytay on May 16 to 18, 2022; and
6. CENRO-Coron on May 19 to 25, 2022.



During the lecture part of the program, the PENRO Legal noted some notable questions from the participants, which are as follows:

**CENRO-ROXAS:**

1. Whether a titled land, although inside the protected area but is classified as alienable and disposable and was covered by a torrens title issued to a private individual prior to the declaration as protected area, may be covered by a sale transaction.
2. Whether a person who has been occupying (prior to NIPAS Law) a portion of land inside the protected area may request for the processing of the title of the said land under his/her name after the effectivity of NIPAS Law.
3. What could be a more accurate and acceptable basis for the computation or assessment of value of seized illegal lumbers considering that there is no existing market value for banned species?

As to the first query, we answered in affirmative. Under Section 22 of ENIPAS Act, all private rights within the protected area already existing and/or vested upon effectivity of ENIPAS Act shall be protected and respected. Provided, that the exercise of such rights shall be harmonized, as far as practicable, with the provision of ENIPAS Act. Here, the torrens title was issued to private individual prior to the declaration as protected area. Hence, the titleholder already has a vested right and may exercise private rights over it.

The second query dwells on the interpretation of the implementing administrative agency of the ENIPAS Act. Our initial reply is that the titling of land within the declared protected areas after the NIPAS/ENIPAS Law is not allowed as it is prohibited under the said law. However, we informed the participants that we will conduct further research and inquiries as to any related legal opinion issued by the DENR covering the matter.

In the third query, there is actually no standard value readily available in the market because these are banned species. Possible option would be for the agency to release a Price Index Monitoring. However, we reiterated that absence of such, their best evidence to support their valuation will still be the Recapitulation, even if it is based on the black-market price. Although the reliance in such valuation is weak and may be deemed as hearsay as the lumbers belong to a banned species and that no established guidelines to support the same, the recapitulation will still be admissible, unless questioned by the opposing party.

**CENRO-TAYTAY:**

1. Whether an individual/corporation may apply for a quarrying permit even if the source is within the protected area?



2. Whether the CENRO personnel may enforce mining laws in protected areas?

On their first question, we discussed the prohibited acts under Section 20 of R.A. No. 7586 or the E-NIPAS Act. We then explained that mining activities can be identified as mineral location as prohibited without any exception by Section 20 of the said law. We noted that in a stricter sense, any form of mining activities is prohibited within protected areas and the government/LGUs cannot issue permit to the same.

As to the second question, we reiterated DAO 2018-18 which authorized PENROs and CENROs to arrest offenders and confiscate/seize illegally – sourced mineral/mineral products and the tools, equipment and conveyance used in the commission of illegal mining. Thus, CENRO personnel are automatically deputized by virtue of the said DAO to enforce environmental laws including mining laws to their area of assignment.

### CENRO-CORON:

1. What is the applicable easement zone for unclassified public lands?

In a Resolution for the case of Federation of Coron, et al. vs. Secretary of DENR, et al.<sup>1</sup>, the Supreme Court elucidated that unclassified public lands are in the same footing as forest lands. By virtue of Sec. 3(a) of PD 705, lands of the public domain which have not been the subject of the present system of classification are considered as forest land. The ruling is hereunder quoted, viz:

*“In 1975, P.D. No. 705 was enacted and Sec. 3(a) thereof essentially stated that lands of the public domain which have not been the subject of the present system of classification are considered as forest land. Verily, this provision is consistent with the Regalian Doctrine. Lands of public domain are, by default, owned by the State. The only classification of land that may be subject to private ownership would be agricultural lands that are classified as alienable and disposable lands. Forest and mineral lands cannot be the subject of private ownership. Thus, Sec. 3(a) merely reiterates that unclassified lands are in the same footing as forest lands because these belong to the State; these are not alienable and disposable land of public domain; and these are not subject to private ownership.*

*However, it must be emphasized that even without Sec. 3(a), which declared that unclassified lands are considered as forest lands, the exact same result shall apply - unclassified lands are still not subject to private ownership because they belong to the State and are not alienable and disposable lands of public domain.” (emphasis supplied)*

Applying the above-ruling of the Supreme Court in the herein question, we opined that the easement zone to be applied in unclassified public lands should be the same as the 40-meter easement zone on forest lands.

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<sup>1</sup> G.R. No. 247866, September 15, 2020



On the Workshop part of the program, the PENRO Legal prepared fill-in-the-blanks Application for Search Warrant, Motion for Two Alternative Recording Device, Conduct of Orderly Search, and drafted Sworn Statements and Return of Search Warrant.

We grouped the participants and gave them a scenario wherein they are going to draft the above-mentioned legal documents in order to secure a search warrant from the court. During the activity, we observed the teamwork of the participants and their detailed and critical examination of the case.

When we evaluated their activity, majority of the participants got an exemplary mark as they already knew what statements, facts, and circumstances to be included in their legal documents. The confusion begins as to the legal procedures on the application for search warrant. Thus, to fully understand the said legal procedures, the PENRO Legal extensively discussed this process. All in all, the PENRO Legal is impressed with the dedication of the participants to learn the legal process of search warrant.

The PENRO Legal also prepared simulation/roleplaying activities on the marking of evidence and photo documentation. However, these activities have not been conducted in CENRO-Taytay due to time constraints. Instead, the topics were discussed to the participants. The teams assigned to CENRO-Roxas and CENRO-Coron were able to conduct said activities.


On a final note, the participants requested the PENRO Legal to make legal forms, particularly, Sworn Statements, Complaint-Affidavit, and the like, that will serve as their guide and sample in drafting legal documents.


#### **RECOMMENDATION:**

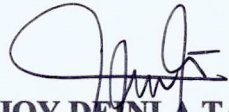
It is recommended that:

1. Subsequent evaluation be conducted to determine whether the attendees have properly applied in actual practice the topics covered by this training/workshop.
2. Regular follow-up and refresher training/workshop focused mainly on legal procedures and legal forms.

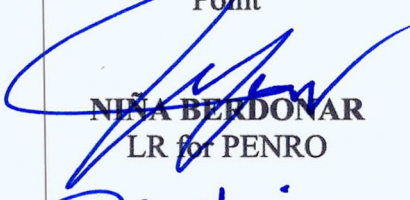
For your information.

  
**ATTY. HAZIEL PASCUA**  
LR for CENRO Taytay

  
**ATTY. HARLENE HEMOR**  
LR for CENRO Brooke's  
Point

  
**JOY DEINLA TANAY**  
LR for CENRO Puerto  
Princesa

  
**VENUS CELESTE AGUILA**  
LR for CENRO Quezon

  
**NINA BERDONAR**  
LR for PENRO

  
**RYAN OLIVER CAYATOC**  
LR for CENRO Roxas

  
**NERRIE MARGRETT PRECIOUS REDONDO**  
LR for CENRO Coron



## PROGRAM FLOW

### DAY 1

**Morning**

*Note: The discussion will be simultaneous with question and answer in order to promote interactive learning.*

**I. Discussions on the following Environmental Violations and related Rules and Regulations:**

**1. Violations concerning Trees and Other Forest Products**

- a. Revised Forestry Code, as amended
  - i. Cutting, gathering and collecting timber or forest products without license (Sec. 77 of PD 705, as amended);
  - ii. Unauthorized possession of timber or forest products (Sec. 77 of PD 705, as amended).
- b. Wildlife Act
  - i. Logging in critical habitats (Sec. 27 (c)(v) of RA 9417);
  - ii. Collecting, hunting or possessing wildlife, their by-products and derivatives (Sec. 27 (f) of RA 9417);
  - iii. Gathering or destroying of active nests, nest trees, host plants and the like (Sec. 27 (g) of RA 9417);
  - iv. Transporting of wildlife (Sec. 27 (i) of RA 9417).
- c. Expanded National Integrated Protected Areas System (E-NIPAS) Act
  - i. Cutting, gathering and collecting timber or forest products within the protected area including private lands therein (Sec. 18 (c) of RA 11038);
  - ii. Possessing or transporting outside the protected area any timber, forest products, wildlife, or by-products derived therefrom (Sec. 18 (d) of RA 11038);
  - iii. Engaging in 'kaingin' or, any manner, causing forest fires inside the protected area (Sec. 18 (i) of RA 11038).

**2. Violations concerning Unlawful and Illegal Occupation on Government Lands**

- a. Revised Forestry Code, as amended
  - i. Unlawful Occupation or Destruction of Forest Lands and Grazing Lands (Sec. 78 of PD 705, as amended)
- b. Philippine Fisheries Code
  - i. Conversion of Mangroves (Sec. 94, RA 8550)
- c. Wildlife Act
  - i. Squatting or otherwise occupying any portion of the critical habitat (Sec. 27 (c)(ii) of RA 9417)
- d. Water Code
  - i. Building structures in easement areas (Sec. 51 of PD 1067)
- e. Expanded National Integrated Protected Areas System Act
  - i. Occupying or dwelling in any public land within the protected area without clearance from the PAMB (Sec. 18 (n) of RA 11038);
  - ii. Constructing, erecting, or maintaining any kind of structure,



	<p>fence or enclosure, conducting any business enterprise within the protected area without prior clearance from the PAMB and permit from the DENR, or conducting these activities in a manner that is inconsistent with the management plan duly approved by the PAMB (Sec. 18 (o) of RA 11038);</p> <p>iii. Purchasing or selling, mortgaging or leasing lands or other portions of the protected area which are covered by any tenurial instrument (Sec. 18 (u) of RA 11038);</p> <p>iv. Constructing any permanent structure within the forty (40)-meter easement from the high water mark of any natural body of water or issuing a permit for such construction pursuant to Article 51 of Presidential Decree No. 1067: Provided, That construction for common usage wharves and shoreline protection shall be permitted by the PAMB only after thorough EIA (Sec. 18 (v) of RA 11038).</p> <p>3. Mining and Quarrying</p> <p>a. Philippine Mining Act</p> <p>i. Theft of minerals (Sec. 103 of RA 7942);</p> <p>ii. Transporting minerals without proper delivery receipt</p> <p>4. Miscellaneous Laws, Rules and Regulations</p> <p>a. Solid Waste Management Act</p> <p>b. Plea Bargaining under New</p> <p>c. Strategic Lawsuit Against Public Participation</p>
Afternoon	<p>II. Legal Procedures to be Observed during Apprehension</p> <p>1. With Search Warrant</p> <p>i. Application for Search Warrants;</p> <p>ii. Motion for Two (2) Alternative Devices;</p> <p>iii. Service of Search Warrant</p> <p>iv. Conduct of Orderly Search;</p> <p>v. Return of Search Warrant.</p> <p>2. Without Search Warrant</p> <p>i. Procedure in Conducting Warrantless Search</p> <p>3. Evidence Gathering</p> <p>III. Workshop</p> <p>1. Drafting of Sinumpaang Salaysay, Complaint, and other legal documents;</p> <p>2. Preparation of Annexes/Pieces of Evidence.</p> <p>IV. Evaluation and Assessment</p> <p>1. Evaluation of the Complaint with Annexes and Assessment of Witnesses</p>
DAY 2	
Morning - Afternoon	<p>V. Continuation of Workshop</p> <p>VI. Open Forum</p> <p>VII. Inventory of Cases</p>



TARGET DATE	TEAM COMPOSITION
May 4 – 5, 2022	<b>CENRO Puerto Princesa</b>  Team Leader: Joy Alcantara Members: Twinkle Redondo Niña Berdonar Ryan Cayatoc Venus Aguila
South Palawan	
May 12 – 13, 2022	<b>CENRO Brooke's Point</b>  Team Leader: Harlene Hemor Members: Niña Berdonar Ryan Cayatoc Joy Alcantara  <b>CENRO Quezon</b>  Team Leader: Venus Aguila Members: Twinkle Redondo Haziell Pascua
North Palawan	
May 16 – 17, 2022	<b>CENRO Roxas</b>  Team Leader: Ryan Oliver Cayatoc Members: Venus Aguila Harlene Hemor Joy Alcantara  <b>CENRO Taytay</b>  Team Leader: Haziell Pascua Members: Niña Berdonar Twinkle Redondo
May 23-24, 2022	<b>CENRO Coron</b>  Team Leader: Twinkle Redondo Members: Niña Berdonar Haziell Pascua



**CENRO - ROXAS**  
**CONDUCTED AT CENRO-ROXAS OFFICE**





**CENRO-CORON**  
**CONDUCTED AT CENRO – CORON OFFICE**





**CENRO-TAYTAY  
CONDUCTED AT TAY LELONG'S, TAYTAY, PALAWAN**

